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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/962,971	10/27/1997	NABIL N. GHALY	1025-002P/JA	9524

7590 12/22/2006
DR. NABIL N. GHALY
14 LONGWOOD DRIVE
S. HUNTINGTON, NY 11746

EXAMINER

CROSS, ALAN

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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12/22/2006

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

87

Advisory Action Before the Filing of an Appeal Brief	Application No. 08/962,971	Applicant(s) GHALY, NABIL N.	
	Examiner Alan Cross	Art Unit 3714	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 November 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 83-96,98-104 and 107-129.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


XUAN M. THAI
SUPERVISORY PATENT EXAMINER
TC3700

continuation of 11. does NOT place the application in condition for allowance because:

Response to Arguments

Applicant's arguments filed 11/13/06 have been fully considered but they are not persuasive.

The rejections under 35 U.S.C 251 to amendment of the specification related to items 2,8,10,11,9,12,14, have been withdrawn. The objection to the term playfield has been withdrawn. Applicant stated that the examiner in his interview summary that the examiner would withdraw the 35 U.S.C. 102 and 103 rejections, the examiner stated that he would further consider the art used in the rejections, not withdraw the rejections.

In regards to the claim rejections under Merlin, in fact does assign a first set of binary number to playing positions on the playfield randomly, and routes the binary numbers respective to an activated playing position to each other and then switches the states of the corresponding playing positions according to a look up table. Switching a state of a playfield display is a type of routing binary numbers. A microprocessor controls and is controlled by binary numbers, it is inherent of the device that it would have to assign binary numbers to each of the keys so that it would map the light on and off positions and then respond to inputs from the user control logic. Boolean functions and binary numbers are an inherent part of micro controllers and computers. With out them a computer could not function. Even though Merlin's chipset instruction set does not include Boolean operators, the look up tables it used to change the states of the switches would be calculated using Boolean operations. The claim recites, "using a Boolean Function or a lookup table" were Merlin uses a look up table to change the states of the display per the user input. Merlin may teach a fixed relationship between push button and a group of indicators, there is nothing in the claim that differentiates it self from a fixed relationship. With the broadest most reasonable interpretation of the claims the routing of the binary numbers is the same as changing the state of the display in response to the user selecting a certain key pad switch. For these reasons the rejections under 35 U.S.C 102, and 103 are not withdrawn.

The drawings are objected to because the shading is dark and does not allow for correct printing of drawings, If the shading in 3 dimensional configuration is removed the drawings will be clear. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

In regards to the claims to be entered. Exhibit X, will be entered as it is in the proper format, the document listed as Claims received 11/13/2006 is in non-compliant form and will not be entered.